

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CYNTHIA DONNETTA JERNIGAN,

Plaintiff,

v.

Case No. 8:23-cv-962-VMC-SPF

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 11), entered on July 5, 2023, recommending that the Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. # 10) be granted. No objections have been filed, and the time for filing objections has lapsed.

The Court accepts and adopts the Report and Recommendation and grants the Motion.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v.

Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendation. 28 U.S.C. § 636(b)(1)(C). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the Magistrate Judge.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 11) is **ACCEPTED** and **ADOPTED**.

- (2) Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. # 10) is **GRANTED**.
- (3) The Commissioner's decision is **REVERSED**, and the case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).
- (4) The Clerk is directed to enter judgment in favor of Plaintiff and **CLOSE** the case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 20th day of July, 2023.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE